

REMARKS

Claims 1-9 are pending.

The Examiner has rejected all pending claims, 1-9 under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 6,128,624 (Papierniak, et al.) in view of U.S. Patent No. 6,505,242 (Holland, et al.).

Because of clearly discernable differences between the prior art of record and certain elements of the claims, no amendments to the claims are deemed necessary. The Examiner is respectfully requested to reconsider allowance of the claims in view of the remarks below distinguishing the prior art at issue with the explicit limitations within the claims.

The Examiner had previously rejected claims 1-9 as being anticipated in their entirety by the Papierniak reference. Applicant filed a response to these rejections on December 17, 2004 outlining the differences between the present invention as claimed and Papierniak, namely, that Papierniak does not teach the steps of uploading the web page with data mining code to a visitor computer and operating the data mining code to retrieve technical and commercial data from the visitor computer.

The Holland reference is now being asserted by the Examiner as teaching steps that are missing from the Papierniak reference. Specifically, the Examiner states that Holland data mining applications deduce visitor Internet use patterns and transmit an appropriately constructed "bundle" of web pages that the user may browse off-line. The Examiner goes on to state that Holland implicates that such techniques may be used "in an ecommerce market."

We disagree with Holland's applicability to the present claims. First, Holland constructs the bundle at the bundling web server (FIG. 7) and it is this server on which the data mining software is implemented. There is no indication that data mining software is included within the web page(s) uploaded to the visitor computer. Furthermore, there is no reference within Holland that the client proxy 460 includes data mining code. Instead, the data mining code is clearly operable on the web page server. As stated in the Holland Abstract, "data mining software may be used advantageously with this technique, to increase the likelihood of constructing a bundle that will meet the user's needs throughout the offline transaction." A careful reading of appropriate disclosure in Holland (Col. 4, lines 52-67, and Col. 5, lines 1-13) clearly shows that data mining would necessarily have to occur at the server prior to construction of the web page bundle. That is, repeated visits and requests for information from the server will establish the pattern of behavior, and it is this pattern of behavior that shapes which types of pages are included within the bundle. Since the bundle is constructed at the web page server and uploaded to the visitor computer at an initial request of the visitor, it would be impossible for data mining code to be operable on the visitor computer and still result in an appropriate bundle. The Holland client proxy is a standardized application that would need to be installed prior to usage. This contrasts with the present invention which embeds data mining code into the delivered page without prior preparation.

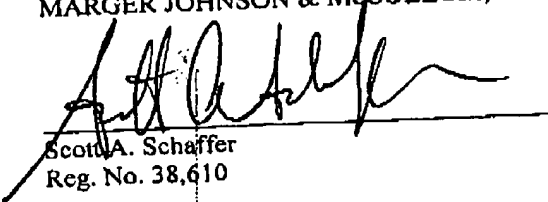
Accordingly, since we cannot find any reference within Holland that data mining code accompanies the web page uploaded to the visitor computer, it is Applicant's view that Holland would not teach the steps of claim 1 of (a) uploading the web page including the data fields and data mining code to a visitor computer, and (b) operating the data mining code on the visitor computer to obtain technical and commercial data. The dependent claims include such a limitation and would likewise be allowable over the prior art.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-9 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



Scott A. Schaffer
Reg. No. 38,610

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, Oregon 97204
Telephone: 503-222-3613
Customer No. 20575

BEST AVAILABLE COPY